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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

KRISTIN K. MAYES, CHAIRMAN
GARY PIERCE
SANDRA KENNEDY
PAUL NEWMAN
BOB STUMP

2010 NOV 16 A 10:11

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AZ CORP COMMISSION
DOCKET CONTROL

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[Signature]

IN THE MATTER OF THE COMPLAINT
OF THE BUREAU OF INDIAN AFFAIRS,
UNITED STATES OF AMERICA,
AGAINST MOHAVE ELECTRIC
COOPERATIVE, INC. AS TO SERVICES
TO THE HAVASUPAI AND
HUALAPAI INDIAN RESERVATIONS

DOCKET NO. E-01750A-05-0579

RESPONSE TO MOTION FOR
EXTENSION OF TIME TO FILE
EXCEPTIONS

Complainant Bureau of Indian Affairs ("BIA") responds to Mohave Electric Cooperative's ("Mohave") motion to extend the time to file exceptions to the Recommended Opinion and Order ("ROO"). Mohave requests (1) extending the time to file exceptions from November 18th to November 29th and (2) continuing the ACC hearing on the ROO from the ACC utilities meeting scheduled for November 22-23 to the one scheduled for December 14-15. The hearing either should remain as scheduled on November 22-23 or be moved to the December 1 ACC securities meeting.

The rules of practice before the ACC are to be "liberally construed to secure a just and speedy determination" and the rules can be waived in order to do so. ACC R14-3-101(B). To ensure a just and speedy determination of this matter, the hearing on the ROO either should remain on the November 22-23 ACC utilities agenda or should be continued to the December 1st ACC securities agenda. Continuing the ACC hearing to December 14-15 will not result in a speedy determination of this matter.

The December 14-15 ACC utilities meeting also conflicts with the undersigned's schedule. The undersigned will be in South Carolina for work from December 13 through December 16 and therefore will be unable to attend the December ACC utilities hearing.

1 Mohave's main argument in favor of an extension is that it was not provided with
2 sufficient time to prepare exceptions to the ROO. This matter has been briefed in detail,
3 including extensive written closing arguments, so preparing exceptions should not be
4 time-consuming. Moreover, Mohave's contention that it should be afforded an
5 additional five days for mailing should be disregarded. The undersigned received a
6 message from ACC staff on the afternoon of the November 9th indicating the ROO had
7 been docketed and assumes Mohave likewise received the same phone call on
8 November 9th. The undersigned does not know when the ROO first became accessible
9 electronically, but Mohave indicates it was able to access the ROO electronically on
10 November 10th. As Mohave presumably received a phone call from ACC staff on
11 November 9th and electronically accessed the ROO the next day, five extra days for
12 mailing should not be taken into account or considered.

13 This matter should either remain on the November 22-23 ACC utilities agenda or be
14 continued to the December 1 ACC securities agenda. If it remains on the November
15 22-23 utilities agenda, the BIA would not object to a November 19 deadline (ten days
16 after the ROO was docketed) to file exceptions. If the matter is placed on the
17 December 1 securities agenda, then the deadline to file exceptions could be extended
18 to November 29th as Mohave requests. This would resolve Mohave's most pressing

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1 concern, additional time needed to file its exceptions. Under no circumstances should
2 this matter be continued to the December 14-15 ACC agenda.

3 Respectfully submitted this 16 day of November, 2010.

4 DENNIS J. BURKE
5 United States Attorney
6 District of Arizona

7
8 MARK J. WENKER
9 Assistant U.S. Attorney
10 Attorneys for the Bureau of Indian Affairs

11 Original and 13 copies filed
12 this 16 day of November, 2010, with:

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18 16 day of November, 2010, to:

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